

PART 631—ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION MILITARY ENFORCEMENT SERVICES

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AUTHORITY: 10 U.S.C. 3012(b)(1)(g).

SOURCE: 47 FR 8350, Feb. 26, 1982, unless otherwise noted.

Subpart A—General

§ 631.1 Purpose.

This regulation prescribes uniform policies and procedures for the establishment, operation, and coordination of the following:

- (a) Armed Forces Disciplinary Control Boards (AFDCB).
- (b) Off-installation military enforcement activities.
- (c) Joint law enforcement operations.

§ 631.2 Applicability.

This regulation applies to the following:

(a) Active US Armed Forces personnel wherever they are stationed. Commanders in oversea areas are authorized to deviate from the policy in this regulation if required by local conditions, treaties, agreements, and other arrangements with foreign governments and allied forces. Subparts C and D are not applicable to the US Navy.

(b) Reserve personnel only when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function.

(c) National Guard personnel only when called or ordered to active duty in Federal status.

§ 631.3 Supervision.

(a) The following will jointly develop and have staff supervision over AFDCB policies and the conduct of off-installation military enforcement activities:

(1) The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

(2) Chief of Naval Personnel (PERS-84).

(3) Commandant of the Marine Corps.

(4) Chief of Security Police, Air Force Office of Security Police, Department of the Air Force.

(5) Commandant of the Coast Guard.

(b) The above will also be responsible to standardize AFDCB policies and procedures as well as to coordinate and maintain liaison with interested staff agencies and other military and civil agencies.

§ 631.4 Exceptions.

Requests for exceptions to policies contained in this regulation will be forwarded to HQDA(DAPE-HRE-PO), WASH, DC 20310.

Subpart B—Armed Forces Disciplinary Control Boards

§ 631.5 General.

(a) Armed Forces Disciplinary Control Boards (AFDCBs) may be established by installation, base, or station commanders. The mission of AFDCBs is as follows:

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(1) Advise and make recommendations to commanders on matters concerning the elimination of crime or other conditions which may negatively affect the health, safety, morals, welfare, morale, or discipline of Armed Forces personnel.

(2) Insure the establishment and maintenance of the highest degree of liaison and coordination between military commands and appropriate civil authorities.

(b) Where installations of two or more military Services are located or which are frequented by personnel of two or more Services, there will be joint Service participation in any AFDCB. In such cases, the commander of the Service with the greatest number of troops will serve as the "sponsoring commander" of the board. When there is joint participation in AFDCBs, written agreements will be executed by the respective Service installation commanders. These agreements will designate the sponsoring commander and delineate the joint Service participation.

§ 631.6 Responsibilities.

(a) Major Army commanders, Navy commanders, Marine Corps commanders, Air Force commanders, and Coast Guard commanders will—

(1) Monitor the establishment of and participation in AFDCBs by subordinate commands.

(2) Encourage subordinate commanders to participate in joint Service boards where appropriate.

(3) Resolve differences among subordinate commanders in regard to board areas of responsibility and the designation of sponsoring commanders.

(4) Evaluate board recommendations and actions from subordinate sponsoring commanders.

(5) Forward to HQDA (DAPE-HRE), WASH, DC 20310, reports that require Service headquarters action to accomplish the following:

(i) Correct situations which would adversely affect the health, safety, morals, welfare, morale, or discipline of Armed Forces personnel.

(ii) Surface positive programs having widespread applicability.

(6) Insure procedures are established to notify the responsible individuals to

insure that off-limits restrictions are made known and applicable to all Armed Forces personnel who may frequent the area in question. These would be off-limits restrictions approved and so declared by subordinate sponsoring commanders.

(7) Insure that subordinate commanders assess the availability of drug abuse paraphernalia in the vicinity of DOD installations through their AFDCBs in accordance with DOD Directive 1010.4, Alcohol and Drug Abuse by DOD Personnel. Drug abuse paraphernalia is defined as all equipment, products, and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act.

(b) In each AFDCB area, the commander of the installation with the largest base population will be designated the AFDCB sponsoring commanders. Sponsoring commanders will provide administrative support, as shown below, for the AFDCB programs.

(1) Promulgate implementing directives and call meetings of the board.

(2) Provide a recorder for the board.

(3) Provide copies of the minutes of the meetings of the board to—

(i) Other Service commanders who provide board representatives.

(ii) BUPERS (for Navy only).

(iii) Other AFDCBs as appropriate.

(4) Approve or disapprove the minutes and recommendations of the board and make appropriate distribution, as required.

(5) Publish lists of "off-limits" establishments and areas.

(6) Insure notification to the responsible individuals of any unfavorable actions being contemplated or taken regarding their establishments in accordance with appendix B.

(7) Distribute all pertinent information to the following:

(i) All units within their jurisdictional area.

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(ii) Units stationed in other areas whose personnel frequently visit their jurisdictional area.

(c) (For Army only). Commanders of Army installations depicted in Map 18, AR 5-9, are responsible for coordinating activities of AFDCB in their areas. They may serve as sponsoring commanders or participate as members of Joint Service Boards. They may approve the establishment of separate AFDCB for Army installations within their area when it is in the best interest of the Army to do so. Changes in AFDCB areas of responsibility may be approved by MACOMs of installations concerned.

(d) (For Army only). The Commander, US Army Health Services Command will—

(1) Assure that subordinate commanders provide *one* of the following to sit as a member of each established board—

(i) A Medical Corps officer.

(ii) A health and environment oriented Medical Service Corps (MSC) officer of the Army Medical Department (AMEDD).

(2) Encourage subordinate commanders to—

(i) Maintain liaison with other governmental and civilian health agencies to detect unsafe or unhealthy conditions within the geographic area of each supported board.

(ii) Advise the board of conditions which adversely affect Armed Forces personnel.

§ 631.7 Composition of boards.

(a) Each board shall, as a minimum, consist of representatives from the following functional areas:

- (1) Law enforcement.
- (2) Legal.
- (3) Health and environment.
- (4) Public affairs.
- (5) Equal opportunity.
- (6) Safety.
- (7) Chaplains.
- (8) Alcohol and drug abuse.
- (9) Personnel and community activities.

(b) Sponsoring commanders will determine, by position, which board members will be designated as voting members. Such designations will be in-

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cluded in the written agreements establishing the boards.

(c) Normally the sponsoring commander will designate a member of his staff as the board President.

§ 631.8 Civil agencies.

(a) Civil agencies or individuals may be invited to board meetings as observers or witnesses in jurisdictions where they have knowledge of problems in the board's area of interest. These would be civil agencies or individuals concerned with law enforcement, public health, welfare, consumer affairs, and the safeguarding of morals.

(b) Boards should be used to establish and maintain liaison between installations and civil agencies. A recommended method is to mail announcements and summaries of the results of board meetings to appropriate civil agencies. These agencies include, but are not limited to, those found in appendix A.

§ 631.9 Duties and functions of boards.

The AFDCBs will—

(a) Meet in session as prescribed by the AFDCB Procedures Guide in appendix B.

(b) Receive and take appropriate action on reports of conditions in their jurisdictional areas relating to any of the following:

- (1) Lack of discipline.
- (2) Prostitution.
- (3) Venereal disease.
- (4) Liquor violations.
- (5) Racial and other discriminatory practices.
- (6) Alcohol and drug abuse.
- (7) Drug abuse paraphernalia.
- (8) Disorder.
- (9) Illicit gambling.
- (10) Unfair commercial or consumer practices.

(11) Other undesirable conditions that may adversely affect members of the military or their families.

(c) Report the following to all major commanders in the board's area of jurisdiction:

(1) Any conditions cited in paragraph (b) of this section.

(2) The board's recommended action as approved by the board's sponsoring commander.

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(d) Conduct active liaison with appropriate civil authorities on problems or adverse conditions existing in the board's area of interest.

(e) Make recommendations to commanders in the board's area of jurisdiction concerning off-installation procedures to prevent or control undesirable conditions.

§ 631.10 Administration.

(a) Commanders are authorized to acquire, report, process, and store information concerning persons and organizations, whether or not affiliated with the Department of Defense (DOD) (AR 380-13), which:

(1) Adversely affects the health, morals, welfare, morale, or discipline of Armed Forces personnel regardless of status.

(2) Describes crime conducive conditions of which Armed Forces personnel may become victims.

(b) Information described in paragraph (a) of this section may be filed by organization; however, it will not be retrievable on the basis of individual personal identification data, e.g., SSN, name, or address. The information should be retained only as long as the described conditions or threat to the welfare of Armed Forces personnel continues to exist.

(c) Boards will function under the supervision of a president.

(d) Certain expenses incurred by Service members in the course of an official board investigation or inspection may be reimbursable. This would be done in accordance with appropriate Service finance regulations or instructions. These requests should be submitted to the sponsoring Service finance office and charged to the appropriate law enforcement account. (For the Army, this account is the T6 account.)

(e) Records of board proceedings will be maintained as prescribed by records management policies and procedures for the Service of the sponsoring commander.

§ 631.11 Off-limits establishments and areas.

(a) An *off-limits* area is defined as any vehicle, conveyance, place, structure, building, or area prohibited to military

personnel to use, ride, visit, or enter during the period in which it may be declared off-limits. As a matter of policy, the change in ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.

(b) The establishment of off-limits areas is a function of command. It may be used by commanders to help maintain good discipline and an appropriate level of good health, morale, safety, morals, and welfare of Armed Forces personnel. Off-limits action is also used to preclude Armed Forces personnel from being exposed to crime conducive conditions or from becoming the victims of crimes. Where sufficient cause exists, commanders retain substantial discretion to declare establishments or areas temporarily off-limits to personnel or their respective command in emergency situations. Temporary off-limits restrictions issued by commanders in an emergency situation will be acted upon by the AFDCB on a priority basis.

(c) Armed Forces personnel are prohibited from entering establishments or areas declared off-limits in accordance with this regulation. Violations may subject the individual to disciplinary action under the Uniform Code of Military Justice (UCMJ). As general policy, these establishments will not be visited by military law enforcement personnel unless circumstances warrant.

(d) Prior to initiating routine off-limits action, installation commanders will attempt to correct, through contact with local civilian leaders, any adverse condition or situation. If these actions are unsuccessful, commanders will submit reports, requesting off-limits action, to the AFDCB serving their area.

(e) The AFDCB, prior to recommending off-limits restriction, will send written notice of the alleged adverse condition or situation, by certified mail with return receipt requested, to the individual or firm responsible for the alleged condition or situation. In this notice, the AFDCB will offer a reasonable time to correct the condition or situation and provide the individual or a designated representative with the opportunity to

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present any relevant information to the board. (See sample letter at annex A to App B.) If subsequent investigation reveals a failure by the responsible person to take corrective action, the board should recommend the imposition of the off-limits restriction.

(f) A specified time limit will not be established when an off-limits restriction is invoked. The adequacy of the corrective action taken by the proprietor of the establishment will be the determining factor in removing an off-limits restriction.

(g) A person whose establishment or area has been declared off-limits may, at any time, petition the president of the board for removal of the off-limits restriction. The petition will be in writing. It should state, in detail, the action taken to eliminate the adverse conditions or situations that caused the imposition of the restriction. In response to the petition, the President of the AFDCB may cause a thorough investigation to be made of the status of these adverse conditions or situations. A report of the results of the investigation would be presented to the board. The board then will either recommend removal or continuation of the off-limits restriction to the local sponsoring commander.

(h) Off-limits procedures to be followed by the boards are in appendix B. In the United States, off-limits signs will not be posted on civilian establishments by US military authorities.

Subpart C—Off-Installation Military Enforcement Services

§ 631.12 Objectives.

The primary objectives of off-installation enforcement are to—

(a) Render assistance and information to Armed Forces personnel.

(b) Reduce the incidence of off-installation military offenses committed by Armed Forces personnel.

(c) Enforce the UCMJ and other pertinent regulations, directives, and orders among persons subject to the UCMJ.

(d) Maintain effective liaison and cooperation with civil law enforcement and judicial agencies.

(e) Enhance apprehension efforts and return to military control absentees

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and deserters wanted by the Armed Forces.

(f) Maintain good community relations.

(g) Assist in the return of military members detained by civil authorities to military control.

§ 631.13 Applicability.

This chapter applies to off-installation enforcement activities. It does not apply to the activities of AFDCBs which were discussed in subpart B. It is not applicable to the U.S. Navy.

§ 631.14 Responsibilities.

(a) Commanders of military installations will recognize the responsibility of civil authorities for the maintenance of peace and order in those areas not under military jurisdiction or control. They should—

(1) Conduct off-installation law enforcement in accordance with applicable Service policies and procedures.

(2) Coordinate the liaison functions to accomplish the objectives outlined in paragraph 3–1.

§ 631.15 Policy (for Army only).

(a) *Within CONUS.* (1) Normally, off-post patrols will not be established in CONUS. However, MACOM commanders may authorize military police to establish off-installation patrols if needed—

(i) In conjunction with military operations.

(ii) To safeguard the health and welfare of Army personnel.

(iii) When the type of offenses or the number of military personnel frequenting an area is large enough to warrant such patrols.

(2) In view of the important legal implications involved (see 18 U.S.C. 1385, the Posse Comitatus Act), the advice of the local Staff Judge Advocate should be sought prior to the implementation of such an authorization. When possible, MACOM commanders will execute a mutually acceptable written agreement with the civil police authorities.

(b) *OCONUS.* Off-post patrols will be kept at a minimum for mission accomplishment. Commanders of MACOMs may authorize off-post patrols as required by local conditions and customs

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as long as these patrols are in accordance with applicable treaties and Status of Forces Agreements.

(c) Military police personnel selected for off-post patrols must be experienced in law enforcement and have mature judgment. They must be thoroughly familiar with all applicable agreements and implementing standard operating procedures. They must understand the implications of the Posse Comitatus Act as it pertains to military law enforcement personnel assisting local law enforcement agencies.

(d) At a minimum, instructions to military police assigned to off-post patrols will specifically state that if they accompany civil police, they will do so for the sole purpose of enforcing the UCMJ among persons subject to the code. Their instructions will also specifically state that they are under the command and directly responsible to their military superiors and that they exercise no authority over the civil police or the civil populace. Accordingly, military police should be instructed that they are not to exercise any authority in a case of misconduct or apparent law violation unless the person concerned has been identified as a member of the military service. However, military law enforcement personnel may come to the aid of civil police in order to prevent the commission of a felony or injury to a civilian police officer.

§ 631.16 Policy (for Navy only).

(a) Off-base law enforcement activities by naval personnel (CONUS and Hawaii) shall be limited to liaison functions with civilian law enforcement agencies and courts and to the acceptance of "courtesy turnovers."

(b) The court liaison function is limited to the provision of an official Navy point of contact for the courts, to the provision of advice for individuals and local commands, and to court appearance with individuals from deployed commands.

(c) Courtesy turnovers will be limited to those persons whose behavior and attitude are acceptable and who desire to be returned to the custody of their parent command.

(d) Courtesy turnovers will be accepted from jails, police stations, etc., but

not directly from police officers on the scene of an incident.

§ 631.17 Policy (for Marine Corps only).

(a) *Within CONUS.* (1) Normally, off-installation patrols will not be established in CONUS. However, installation commanders may request authority from HQMC (Code MPH) to establish off-installation patrols if needed.

(i) In conjunction with military operations.

(ii) To safeguard the health and welfare of Marine personnel.

(iii) When the type of offenses or the number of military personnel frequenting an area is large enough to warrant such patrols.

(2) In view of the important legal implications involved (see 18 U.S.C. 1382, the Posse Comitatus Act as made applicable to DoN) the advice of the local staff judge advocate/legal officer should be sought prior to the implementation of such an authorization. When possible, installation commanders will execute a mutually acceptable written agreement with the civil police authorities.

(b) *Overseas Areas.* Off-installation patrols will be kept at minimum for mission accomplishment. Commanders of installations may authorize off-installation patrols as required by local conditions and customs as long as these patrols are in accordance with applicable treaties and Status of Forces Agreements.

(c) Personnel selected for off-installation patrols must be experienced in law enforcement and have mature judgment. They must be thoroughly familiar with all applicable agreements and implementing standard operating procedures. They must understand the implications of the Posse Comitatus Act as it pertains to military law enforcement personnel assisting local law enforcement agencies.

(d) At a minimum, instructions to military police assigned to off-installation patrols will specifically state that if they accompany civil police, they will do so for the sole purpose of enforcing the UCMJ among persons subject to the code. Their instructions will also specifically state that they are

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under the command and directly responsible to their military superiors and that they exercise no authority over the civil police or the civil populace.

Accordingly, military police should be instructed that they are not to exercise any authority in a case of misconduct or apparent law violation unless the person concerned has been identified as a member of the military service. However, military law enforcement personnel may come to the aid of civil police in order to prevent the commission of a felony or injury to a civilian police officer.

(e) Absentee and deserter collection units to accept active duty absentee or deserter military personnel from civilian authorities may be established.

(f) Civil police and civil court liaison may be established.

(g) Installation commanders are authorized to establish other activities deemed necessary, provided each activity is within the scope of military purpose and authority, i.e., apprehensions where authorized by UCMJ, courtesy patrols, etc.

§ 631.18 Policy (for Air Force only).

See section B, AFR 125-19, for Air Force policy on off-installation patrols.

§ 631.19 Operations.

(a) In CONUS, incidents occurring off-installation normally are investigated by civil law enforcement agencies. These include State, county, or municipal authorities or a Federal investigative agency. When an incident of substantial interest to the U.S. Army occurs off-installation, the Armed Forces law enforcement organization exercising area responsibility will obtain copies of the civil law enforcement report. These are incidents that involve Army property or personnel. The civil law enforcement report would be processed according to applicable Service regulations.

(b) In oversea areas, off-installation incidents will be investigated in accordance with Status of Forces agreements and other appropriate U.S.-host country agreements.

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(c) Off-installation enforcement operations may include the following activities:

(1) Town patrol.

(2) Town military police.

(3) Air Force Security Police patrols and stations.

(4) Civil police and civil court liaison.

(5) Public carrier and civilian transportation terminal patrols.

(6) Acceptance of active duty absentee or deserter military personnel turned over to Service police by civilian authorities.

(7) Other activities deemed necessary, provided each activity is within the scope of military purpose and authority.

(d) Activities in c above will be performed according to the Service policies in §§ 631.15 through 631.17. They will be based on the need and the fiscal and manpower restraints imposed by each Service. If practical, mutual agreements between two or more Services may be made to facilitate the conduct of joint Service off-installation enforcement services and absentee apprehension functions.

(e) Armed Forces law enforcement personnel will—

(1) Act under the command of, and be responsible to, military superiors and will not be placed under the control of civil authorities.

(2) Exercise authority over civil law enforcement agencies or persons not subject to the UCMJ only when they are on a military installation.

(3) Be authorized to apprehend persons subject to the UCMJ when there exists a reasonable belief that an offense under the code has been committed and that the person to be apprehended committed the offense. Civilians committing offenses on US military installations may be detained for the appropriate Federal, State, or local law enforcement agency.

(4) Return apprehended persons to representatives of their respective Services as soon as practicable.

(5) Process all reports received from other law enforcement agencies concerning crimes committed by military personnel, involving military property, or in which DOD has an interest.

Subpart D—Joint Service Law Enforcement Operations (Not Applicable to U.S. Navy)

§ 631.20 Organization.

In localities frequented by personnel of more than one Service, installation commanders may consider the establishment of joint law enforcement operations. Such operations may provide a more effective and economical accomplishment of off-installation law enforcement. When such operations are established, participating installation commanders will—

- (a) Execute written agreements concerning the operations.
- (b) Insure that each participating organization contributes its proportionate share of personnel, equipment, and supporting facilities.

§ 631.21 Joint law enforcement operations.

The following procedures will apply when establishing joint law enforcement operations:

- (a) *Personnel.* Enlisted personnel selected for joint law enforcement duty should meet the following qualifications:

- (1) Be temperamentally suited for police duty and received training or have experience in law enforcement.
- (2) Be 19 years of age or older.
- (3) Have no record of court-martial convictions or civilian offenses other than minor traffic violations.
- (4) Be at least 5 feet 4 inches tall.
- (5) Meet General Classification Test (GCT) (or equivalent test) score requirements of the parent Service for assignment to police duty.
- (6) Possess a military motor vehicle operators license.
- (7) Have at least 12 months remaining on current enlistment.

- (b) *Logistics.* Personnel assigned to joint patrols will be equipped as prescribed by their respective Service regulations or directives to include the symbol of their law enforcement authority (badge or brassard).

- (c) *Functions.* Joint law enforcement operations will perform, at a minimum, the following functions:

- (1) Provide assistance to all Armed Forces personnel who are charged with civil violations.

- (2) Maintain liaison with civilian enforcement and judicial agencies.

- (3) Have the capability to receive military personnel apprehended by civilian authorities.

- (d) *Duty assignments.* Personnel assigned to perform joint operations may be further assigned to perform duties in any of the following functional areas:

- (1) Police station operation (desk sergeants, desk clerks, radio operators, etc.).
- (2) Motor patrols necessary to conduct police and court liaison and to transport military personnel from the local civilian police.
- (3) Operations.
- (4) Administration.

APPENDIX A TO PART 631—CIVIL AGENCIES

A-1. American Social Health Association.

The American Social Health Association, upon request, provides information and consultation in the fields of venereal disease and drug abuse. Local AFDCBs desiring information should apply through one of the following regional offices of the association:

Eastern Regional Director, 86 Farmington Ave., Hartford, CT 06105
 Middle America Regional Director, 110 North High Street, Gahanna, OH 43230
 Southern Regional Director, 173 Walton Street, NW., Atlanta, GA 30303
 Western Regional Director, 785 Market Street, Rm. 1010, San Francisco, CA 94103

A-2. United States Brewers Association.

a. The United States Brewers Association is the trade and public relations agency of the organized brewing industry in the United States. Upon request, it will assist military authorities within CONUS to eliminate conditions detrimental to the health, morals, and welfare of members of the Armed Forces in the cities and communities adjacent to military installations.

b. This association conducts an Armed Forces cooperation program to further "self-regulation" activities among beer dealers. It cooperates with State and local law enforcement officials in the promotion and maintenance of proper conditions in retail beer outlets throughout the country. Its services are available to AFDCBs for furthering joint action in the promotion of law observance and the maintenance of conditions of cleanliness and decency in retail beer outlets patronized by members of the Armed Forces.

c. Local sponsoring commanders requesting the assistance of the Brewers Association may apply to the Director of Field Services,

US Brewers Association, Inc., 1750 K Street NW., Washington DC 20006.

A-3. *The National Environmental Health Association.*

The National Environmental Health Association is a professional organization representing various sanitary and environmental control groups. It provides information and consultation on solid waste management, air and water pollution, and other environmental health matters. Military members of the association belong to the Uniform Services Association of Sanitarians. All requests for assistance should be directed to the military association at the national association headquarters, 1600 Pennsylvania Ave., Denver, Colorado 80293.

A-4. *The Federal Trade Commission.*

The Federal Trade Commission was established in 1914 and is the principal agency of the Government responsible for preventing deceptive acts and practices in commerce. The Commission strives to keep competition fair and free from deceptive advertisement of food, drugs, cosmetics, therapeutic devices, catalog sales, and credit card purchases. It strives to protect consumers against the circulation of inaccurate or obsolete credit reports. Consumer Protection Specialists are located at the national and regional offices to render assistance. Regional offices are located in major metropolitan areas and frequently conduct investigations of acts peculiar to local communities. Inquiries should be made to the regional offices.

APPENDIX B TO PART 631—ARMED FORCES DISCIPLINARY CONTROL BOARD PROCEDURES GUIDE

B-1. *General.* This guide prescribes procedures for the establishment, operation, and coordination of Armed Forces Disciplinary Control Boards (AFDCBs). It is intended to insure uniformity of operation. AFDCB proceedings are not considered to be adversary in nature.

B-2. *Meetings.*

a. Regular meetings will be held once each quarter or as designated by the president. The sponsoring commander may specify whether the meetings, as scheduled, will be open or closed. If not specified, the decision is within the discretion of the president of the board. Normally, proceedings are closed, but may be opened to the public when circumstances warrant.

b. Special meetings may be called by the president of the board. Except by unanimous consent of members present, final action will be taken only on the business for which the meeting was called.

B-3. *AFDCB composition.*

a. Voting members will be selected according to paragraph 2-3 of this regulation.

b. A majority of voting members constitutes a quorum for board proceedings.

B-4. *Attendance of observers or witnesses.*

a. Representatives of the agencies listed below may be invited to attend as observers or witnesses.

- (1) American Social Health Association.
- (2) United States Brewers Association.
- (3) Federal Bureau of Investigation.
- (4) United States Attorneys.
- (5) State and local police.
- (6) State and local departments of health.
- (7) State and local VD control officers.
- (8) State alcoholic beverage control authorities.
- (9) State and local prosecutors.
- (10) Consumer affairs personnel.
- (11) State and local narcotics investigative agencies.
- (12) Immigration and Naturalization Service.
- (13) Members of Judiciary directly concerned with law enforcement.
- (14) Drug Enforcement Administration.
- (15) Bureau of Alcohol, Tobacco, and Firearms.
- (16) US Customs Service.
- (17) Chamber of Commerce.
- (18) Better Business Bureau.
- (19) State license beverage association.
- (20) National Institute of Drug Abuse and National Institute on Alcohol Abuse and Alcoholism.
- (21) Adult probation department/social services.
- (22) Any other representation deemed appropriate by the sponsoring command, i.e., news media, union representatives, and so forth.

b. Witnesses and observers will be listed in the minutes of the meeting if invited by the board to participate in that capacity.

c. Board action may be recommended by a majority vote of the voting members present at a regular or special board meeting.

B-5. *Appropriate areas for board consideration.*

a. Boards will study and take appropriate action in connection with all conditions detrimental to the good discipline, health, morals, welfare, safety, and morale of Armed Forces personnel. This will include, but not be limited to, the following:

- (1) Crime and misconduct.
- (2) Narcotics, marihuana, dangerous drugs, and drug abuse paraphernalia.
- (3) Liquor violations.
- (4) Excessive number of unauthorized absences.
- (5) Gambling (when in violation of State or local law).
- (6) Military and civilian relationships that may be detrimental to service personnel.
- (7) Unsanitary and other adverse conditions in establishments frequented by Armed Forces personnel.
- (8) Off-installation/base safety problems.
- (9) Unethical or illegal business practices.
- (10) Prostitution and venereal disease.

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(11) Discriminatory practices.

(12) Other health hazards.

b. The board will immediately forward to the local commander concerned the circumstances reported to the board involving discrimination based on race, color, sex, religion, age, or national origin.

B-6. *Off-limits procedures.*

a. Off-limits restrictions should be invoked only when there is substantive information indicating that an establishment or area frequented by Armed Forces personnel presents conditions which adversely affect the health, safety, welfare, morale, or morals of such personnel. It is essential that boards do not act arbitrarily; actions must not be of a punitive nature. Boards should work in close cooperation with local officials and proprietors of business establishments and seek to accomplish their mission through mutually cooperative efforts. Boards should encourage personal visits by local military and civilian enforcement or health officials to establishments considered below standard. AFDCBs should point out unhealthy conditions or undesirable practices to establishment owners or operators in order to produce the desired corrective action.

b. Prior to initiating routine off-limits action, the local commander will attempt to correct any situation which adversely affects the welfare of Armed Forces personnel. This will be done through contact with community leaders.

c. Unless emergency conditions exist which are extremely harmful to Armed Forces personnel, an establishment will not be recommended for off-limits action until the proprietor has been—

(1) Notified in writing of the adverse condition/circumstances.

(2) Given an opportunity to be heard and a reasonable time in which to correct deficiencies.

d. If the board decides to attempt to investigate or inspect an establishment, the president or a designee will prepare and submit a report of findings and recommendations at the next meeting. This will insure complete and documented information concerning doubtful adverse conditions.

e. When the board concludes that conditions adverse to Armed Forces personnel do exist, the owner or manager will be sent a letter of notification (annex A). This letter will advise him or her to raise standards and that, if such conditions or practices continue, off-limits proceedings will be initiated. In cases involving discrimination, the board should not rely solely on letters written by the Equal Opportunity Office and Military Affairs Committee or investigations of alleged racial discrimination. The AFDCB should send letters to the proprietor, informing him or her that off-limits action is being considered and inviting him or her to the next board meeting. Boards should send let-

ters directly to the proprietors when any off-limits action is being considered. If a proprietor takes remedial action to correct undesirable conditions previously noted, the board should send a letter of appreciation (annex B). Any correspondence with the individuals responsible for adverse conditions leading to off-limits action will be by certified mail.

f. If the undesirable conditions are not corrected, an invitation (annex C) will be written to the proprietor. This letter will invite the proprietor to appear before the board to explain why the establishment should not be placed off-limits. The proprietor may designate, in writing, individual(s) to represent him or her at the board.

g. In cases where proprietors have been invited to appear before the board, the president of the board will perform the following actions:

(1) Prior to calling the proprietor—

(a) Review the findings and decision of the previous meeting.

(b) Call for inspection reports.

(c) Afford an opportunity to those present to ask questions and discuss the case.

(2) When the proprietor and/or his or her counsel is called before the board—

(a) Present the proprietor with a brief summary of the complaint concerning his or her establishment.

(b) Afford the proprietor an opportunity to present matters in defense of the allegation.

(c) Offer those present an opportunity to question the proprietor. After the questioning period, provide the proprietor a final opportunity to make an additional statement or to make commitments concerning his or her willingness to cooperate.

(3) After excusing the proprietor from the meeting, the president and board will discuss suggestions and recommendations for disposition of the case in closed session.

h. No member of a board shall reprimand or admonish in any degree a person appearing before a board. Board members do not have jurisdiction over such individuals. Off-limits actions are designed solely for the protection of Armed Forces personnel and are used as a last resort when all other means have failed.

i. The board should recommend that the offending establishment be placed off-limits only after the following:

(1) The letter of notification (annex A) has been sent.

(2) An opportunity to appear before the board has been extended.

(3) Further investigation indicates that improvements have not been made.

j. The minutes will indicate a board's action in disposing of each case. When a recommendation is made that an establishment be placed off-limits, the minutes will show the procedural steps followed in reaching the decision.

k. Recommendations of the board will be submitted to the sponsoring commander for consideration. The recommendations will then be forwarded to the other installation commanders who furnish board representation (annex D). If no objection to the recommendations is received within 10 days, the sponsoring commander will either approve or disapprove the recommendations. He will then forward this decision to the board president.

l. Upon approval of the board's recommendations, the president will dispatch a declaration that the off-limits restriction has been imposed (annex E).

m. No definite time limit should be specified when an off-limits restriction is invoked. The adequacy of the corrective action taken by the proprietor of the establishment must be the determining factor in removing an off-limits restriction.

n. Military commanders have no authority to post off-limits signs on private property. Appropriate civil officials may post private property when informed by military authorities that an establishment or area has been declared off-limits to Armed Forces personnel.

o. Emergency off-limits action: In emergencies, commanders may temporarily declare establishments or areas off-limits to Armed Forces personnel subject to their jurisdiction. They must then report the circumstances immediately to the commander sponsoring the board. Detailed justification for this emergency action will be provided to the board for its use.

B-7. Removal of off-limits restrictions.

a. Removal of an off-limits restriction requires board action. Proprietors of establishments declared off-limits should be advised that they may appeal to the appropriate board at any time. In their appeal, they should submit the reason why, in their opinion, the restriction should be removed. A letter of notification of continuance of off-limits restriction should be sent to the proprietor if the board does not favorably consider removal of an off-limits restriction (annex F). If, after exhausting all appeals at the board/local sponsoring commander level, the proprietor is not satisfied with those decisions, his or her case will be forwarded to the next higher commander of the sponsoring commander for review and resolution. Boards should make at least quarterly inspections of off-limits establishments. A statement that an inspection has been made should be reflected in their minutes.

b. When it has been determined that adequate corrective measures have been taken by the owner or manager of an establishment or area to meet the requirements for good discipline, health and welfare of Armed Forces personnel, the appropriate board will take the following actions:

(1) Discuss the matter at the next meeting and make an appropriate recommendation.

(2) Forward recommendation for removal of off-limits restriction to the sponsoring commander. If the recommendation is approved, dispatch a letter of removal of off-limits (annex G or H).

(3) Record what action was taken in the minutes of the board meeting.

B-8. Duties of the president of the board.

The president of the board will—

a. Schedule and preside at all meetings of the board and sign appropriate correspondence.

b. Prepare an agenda prior to each regular meeting and insure its distribution to each voting member at least 7 days prior to the meeting.

c. Be responsible for the preparation and distribution of the minutes of all meetings and for maintenance of appropriate records and files pertaining to AFDCB activities. (See para. 2-6e.)

d. Inform members of any special meeting and its purpose as far in advance as possible.

e. Prepare and distribute to major commands a copy of the minutes of each meeting.

f. Supervise the recorder in performance of all administrative duties as required.

B-9. Minutes.

a. Annex I is a guide for the preparation of the minutes of board meetings. Minutes will be prepared in accordance with administrative formats for minutes of meetings prescribed by the Service of the sponsoring commander. The written minutes of board meetings will be deemed the official record of board meetings. Verbatim transcripts of board meetings are not required. The reasons for approving or removing an off-limits restriction, to include a complete address of the establishment or area involved, should be indicated in the order of business. In addition, the board's action will be shown in order of sequence, such as dispatch of letter of notification, appearance before board, recommendation to local sponsoring commander, or action taken by local sponsoring commander. Change in the name of an establishment or areas in an off-limits status will also be included.

b. Distribution of the minutes of board meetings will be limited to the following:

(1) Each voting member, sponsoring command and other commands, and installations represented on or serviced by the board.

(2) Each civilian and military advisory member, if deemed appropriate.

(3) Civilian and Government agencies, within the State in which member installations are located, having an interest in the functions of the board, if appropriate.

c. The minutes of the board meeting, containing the board's recommendations, will be forwarded in writing to the sponsoring commander. The minutes will be accompanied by

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a request that the recommendations be approved for implementation. The sponsoring commander will, by written indorsement to the president of the board, approve or disapprove the minutes and recommendations.

d. Board minutes are subject to the release and disclosure provisions of DOD Directive 5400.7 and implementing Service regulations.

B-10. *Installation commander and board relationship.*

Military installation commanders within a board's areas of responsibility must be thoroughly acquainted with the mission and services provided by AFDCBs. Board members should keep their respective commanders informed of command responsibility pertaining to board functions and actions.

B-11. *Public affairs.*

a. Because of the sensitive nature of subject matter discussed, no public announcement will be initiated in connection with board meetings. However, any board proceeding which is open to the public will also be open to representatives of the news media. Representatives of the news media will be considered as observers and will not participate in the discussion of matter considered by the board. Members of the news media may be invited to participate in an advisory status in coordination with the Public Affairs Officer.

b. News media interviews and releases will be handled through the Public Affairs Offices in accordance with this regulation and AR 360-5.

ANNEX A—LETTER OF NOTIFICATION

(Letterhead)

(Appropriate AFDCB)

Proprietor

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Dear Sir: As President of the Armed Forces Disciplinary Control Board, it is my duty to inform you of certain undesirable conditions reported at your establishment which adversely affect the health and welfare of personnel in the Armed Forces. It has come to the attention of the board that (*cite pertinent information*). You are advised that it will be necessary for this board to initiate action to determine whether your establishment should be placed off-limits to personnel of the Armed Forces if the above cited undesirable condition(s) is (are) not eliminated. (*Include if applicable*). Within (*cite period*), a representative of this board will visit your establishment in order to determine if steps have been taken to correct the conditions outlined above.

Sincerely,

—
President, AFDCB.

(NOTE: When sent by mail, send letter by *CERTIFIED MAIL, RETURN RECEIPT REQUESTED.*)

ANNEX B—LETTER OF APPRECIATION

(Letterhead)

(Appropriate AFDCB)

Proprietor

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Dear Sir:

Reference is made to my letter dated ——— concerning certain undesirable conditions reported at your establishment which adversely affect the health and welfare of personnel in the Armed Forces.

The board appreciates your action in correcting the deficiencies previously noted. In view of this fact, the board contemplates no further action with respect to this matter at the present time.

The board hopes that you will continue to operate your establishment in the manner which will benefit the health and welfare of Service personnel. Your continued cooperation is solicited.

Sincerely,

—
President, AFDCB.

ANNEX C—LETTER OF INVITATION

(Letterhead)

(Appropriate AFDCB)

Proprietor

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PART 632—USE OF FORCE BY PERSONNEL ENGAGED IN LAW ENFORCEMENT AND SECURITY DUTIES

Sec.

- 632.1 Purpose.
- 632.2 Applicability.
- 632.3 Policy.
- 632.4 Deadly force.
- 632.5 Use of firearms.
- 632.6 Administrative instructions.

AUTHORITY: 10 U.S.C. 3012.

SOURCE: 48 FR 17074, Apr. 21, 1983, unless otherwise noted.

§ 632.1 Purpose.

This regulation implements DOD Directive 5210.65. It sets uniform policy for use of force by DA law enforcement and security personnel.